IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No.58126-M of 2006

DATE OF DECISION:13.11.2006

Kirpa Ram & Ors. .....Petitioners

Versus

State of Haryana .....Respondent

CORAM:- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present:- Shri O.P. Sharma, Advocate
for the petitioners.

Shri M.S. Sindhu, DAG, Haryana.

Shri Vivek Suri, Advocate
for the complainant.

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The Petitioners, apprehending their arrest in a non-bailable offence in case FIR No. 117 dated 10.7.2006 under Sections 148/149/323/452/506 IPC, registered at Police Station Pataudi, District Gurgaon, have filed this petition under Section 438 Cr.P.C. for anticipatory bail.

I have heard counsel for the parties and gone through the contents of the FIR.

Counsel for the petitioners contends that the only non-bailable offences in this case are under Sections 452 and 506 IPC and the dispute is regarding Mushtarka land of the parties. In view of this fact, counsel contends, that the offence under Section 452 IPC is not made out.

Counsel for the petitioners further contends that in view of the order dated 21.9.2006, the petitioners have joined the investigation. Counsel for the respondent-State on instructions from Prithvi Singh ASI

does not dispute this fact and further states that the petitioners are no more required for custodial interrogation as challan has also been filed in this case.

In view of the above, the interim bail, granted vide order dated 21.9.2006 is made absolute.

Disposed of accordingly.

November 13, 2006 **(SATISH KUMAR MITTAL)**
pooja **JUDGE**